

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO,

Debtors.¹

PROMESA

Title III

Case No. 17-BK-3283(LTS)

(Jointly Administered)

NOTICE OF APPEARANCE

TO THE HONORABLE COURT:

COME NOW MORGAN STANLEY & CO. LLC and MORGAN STANLEY SMITH BARNEY LLC (hereinafter jointly referred to as “**MORGAN STANLEY**”), and without waiving any of their claims or affirmative defenses, including insufficient process, insufficient service of process or lack of jurisdiction, through the undersigned attorney, and respectfully STATE and PRAY:

1. The undersigned attorney and his law firm, Saldaña, Carvajal & Vélez Rivé, P.S.C., have recently been retained as local counsel for MORGAN STANLEY, to appear on their behalf²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² MORGAN STANLEY are entities that have appeared as entities comprising the “Bank Defendants”, who submitted

in the above-captioned cases. Consequently, pursuant to Rule 83D(a) of the Local Civil Rules for the United States District Court for the District of Puerto Rico, Rule 2090-1(a) of the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Puerto Rico, and to Rule 9010 of the Federal Rules of Bankruptcy Procedure, made applicable to these proceedings by Section 310 of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U.S.C. § 2170 *et seq.*, the undersigned attorney respectfully requests that this Honorable Court takes notice of the undersigned as counsel of record for MORGAN STANLEY, and accept this *Notice* in the above-captioned cases.

3. Furthermore, the undersigned attorney requests that any formal or informal motion, paper, pleading, written discovery request, or other document filed in, as well as any order issued by this Honorable Court, be notified electronically to his e-mail address arotger@scvrlaw.com, or, if such need arises, to his mailing address: 166 Ave. de la Constitución, San Juan, Puerto Rico 00901. Please add the foregoing to any mailing matrix that may be used for any and all purposes in these cases.

4. Neither this notice or any subsequent appearance, pleading, claim or suit is intended to nor shall be deemed to waive MORGAN STANLEY’S rights (1) to have an Article III judge adjudicate in the first instance any case, proceeding, matter, or controversy as to which a bankruptcy judge may not enter a final order or judgment consistent with Article III of the United States Constitution, (2) to have final orders in non-core matters entered only after de novo review by a higher court, (3) to trial by jury in any proceeding so triable herein or any case, controversy, or proceeding related to hereto, (4) to have the reference withdrawn in any matter subject to

the joint limited objection, subject of the **Docket no. 6900** filing. *See*, Footnote 2, page 1 of the motion (page 5 of 27 of the filed document).

mandatory or discretionary withdrawal, or (5) any other rights, claims, actions, defenses, setoffs, or recoupments to which MORGAN STANLEY is or may be entitled under agreements, in law or equity, all of which rights, claims, actions, defenses, setoffs, and recoupments are hereby expressly reserved. MORGAN STANLEY does not consent to the entry of final orders or judgments by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

WHEREFORE, MORGAN STANLEY respectfully request this Honorable Court to take notice of the information stated above, and grants leave to the undersigned counsel to appear as their counsel of record in the above-captioned cases.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel who have filed appearances in this case.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 21st day of May, 2019.

s/ Ángel E. Rotger-Sabat
ÁNGEL E. ROTGER-SABAT
USDC-PR No. 208601
arotger@scvrlaw.com

SALDAÑA, CARVAJAL & VÉLEZ-RIVÉ, P.S.C.
166 Ave. de la Constitución
San Juan, Puerto Rico 00901
Tel: (787) 289-9250
Fax: (787) 289-9253